

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

HOWARD LANGFORD,)	8:09CV169
)	
Plaintiff,)	
)	ORDER SETTING
v.)	SCHEDULE FOR
)	PROGRESSION OF CASE
ALEGENT HEALTH,)	
)	
Defendant.)	

This matter is before the court on its own motion. On November 30, 2009, the court entered its first Progression Order in this matter. (Filing No. [16](#).) In that Order, the court gave the parties until February 8, 2010, to file motions to compel discovery. (*Id.* at CM/ECF p. 1.) Plaintiff timely filed a Motion to Compel discovery on February 8, 2010. (Filing No. [33](#).) However, on that same day, the court directed Plaintiff to file an amended complaint in this matter. (Filing No. [32](#).) Plaintiff complied and filed a Second Amended Complaint on March 1, 2010. (Filing No. [36](#).) Because Plaintiff filed a Second Amended Complaint, the court will reset the progression order deadlines in this matter and deny Plaintiff's Motion to Compel without prejudice to reassertion in accordance with the new progression order deadlines.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion to Compel (filing no. [33](#)) is denied.

2. Deposition and discovery deadline. All depositions, whether or not they are intended to be used at trial, shall be completed by **June 9, 2010**. All interrogatories, requests for admission and requests for production or inspection, whether or not they are intended to be used at trial, shall be served on or before **April**

30, 2010.

3. Motions to compel discovery shall be filed on or before **June 9, 2010**. The parties must comply with the provisions of [NECivR 7.0.1](#) before filing a motion to compel.

4. Dispositive Motions. All dispositive motions shall be filed on or before **July 9, 2010**. The parties must comply with the provisions of [NECivR 7.0.1](#) and [NECivR 56.1](#) when filing summary judgment motions.

5. Pretrial Conference.

- a. Defense counsel will have the primary responsibility for drafting the Order on Final Pretrial Conference, pursuant to the format and requirements set out in [NECivR 16.2\(a\)\(2\)](#). The plaintiff will be responsible for cooperating in the preparation and signing of the final version of the Order. The Order should be submitted to the plaintiff and to any other parties by **August 9, 2010**. The plaintiff shall provide additions and/or proposed deletions to Defense counsel by **August 23, 2010**. Defense counsel shall submit the Proposed Order on Final Pretrial Conference to the court by no later than **September 6, 2010**. If a party proposes an addition or deletion which is not agreed to by all the other parties, that fact should be noted in the text of the document. The Proposed Order on Final Pretrial Conference must be signed by all pro se parties and by counsel for all represented parties.
- b. The Final Pretrial Conference will be held before the undersigned Magistrate Judge on **September 23, 2010 at 9:00 a.m.** Prior to the pretrial conference, all items as directed in [NECivR 16.2](#) and

full preparation shall have been completed so that trial may begin at any time following the Pretrial Conference.

- c. If a plaintiff is held in an institution, the pretrial conference will be by telephone. In that case, Defense counsel shall contact the plaintiff's institution in advance and arrange to initiate and place the conference call.

6. The trial date will be set by the undersigned Magistrate Judge at the time of the Final Pretrial Conference.

7. The Clerk of the court is directed to set a pro se case management deadline in this case using the following text: Pretrial conference before Magistrate Judge Cheryl Zwart to be held on September 23, 2010.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge